

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany H.R. 2997, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

House agreed to the conference report to accompany H.R. 2647, National Defense Authorization Act for Fiscal Year 2010.

Senate

Chamber Action

Routine Proceedings, pages S10257–S10329

Measures Introduced: Ten bills and two resolutions were introduced, as follows: S. 1763–1772, and S. Res. 309–310. **Page S10318**

Measures Passed:

145th Anniversary of the Entry of Nevada into the Union: Senate agreed to S. Res. 309, recognizing and celebrating the 145th anniversary of the entry of Nevada into the Union as the 36th State.

Page S10326

National Day on Writing: Senate agreed to S. Res. 310, expressing support for the designation of October 20, 2009, as the National Day on Writing.

Page S10327

Measures Considered:

Commerce, Justice, Science, and Related Agencies

Appropriations Act—Agreement: Senate continued consideration of H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, taking action on the following amendments proposed thereto:

Pages S10265–80, S10284–S10307, S10328

Rejected:

By 33 yeas to 64 nays (Vote No. 317), McCain Amendment No. 2626, to eliminate funding for Public Telecommunications Facilities, Planning and Construction.

Pages S10265–68, S10271–72

By 33 yeas to 65 nays (Vote No. 319), Ensign motion to recommit the bill to the Committee on Appropriations, with instructions to report the same

D1152

back to the Senate with changes that reduce the aggregate level of appropriations in the Act for fiscal year 2010, excluding amounts provided for the Bureau of the Census, by \$3,411,000,000 from the level currently in the Act. **Pages S10272–73, S10284**

Pending:

Vitter/Bennett Amendment No. 2644, to provide that none of the funds made available in this Act may be used for collection of census data that does not include a question regarding status of United States citizenship.

Page S10265

Johanns Amendment No. 2393, prohibiting the use of funds to fund the Association of Community Organizations for Reform Now (ACORN).

Page S10265

Levin/Coburn Amendment No. 2627, to ensure adequate resources for resolving thousands of offshore tax cases involving hidden accounts at offshore financial institutions.

Page S10265

Durbin Modified Amendment No. 2647, to require the Comptroller General to review and audit Federal funds received by ACORN.

Page S10265

Begich/Murkowski Amendment No. 2646, to allow tribes located inside certain boroughs in Alaska to receive Federal funds for their activities.

Page S10271

Ensign Modified Amendment No. 2648, to provide additional funds for the State Criminal Alien Assistance Program by reducing corporate welfare programs.

Page S10272

Shelby/Feinstein Amendment No. 2625, to provide danger pay to Federal agents stationed in dangerous foreign field offices.

Page S10280

Leahy Amendment No. 2642, to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits.

Page S10285

Graham Amendment No. 2669, to prohibit the use of funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001, terrorist attacks.

Pages S10285–86

During consideration of this measure today, Senate also took the following action:

Chair sustained a point of order against Bunning Amendment No. 2653, to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate, as being in violation of Rule XVI, paragraph 4, of the Standing Rules of the Senate, which prohibits legislation on an appropriation bill, and the amendment thus fell.

Pages S10265, S10272

A motion was entered to close further debate on the committee-reported amendment in the nature of a substitute, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, October 8, 2009, a vote on cloture will occur at 5:30 p.m., on Tuesday, October 13, 2009.

Page S10328

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Tuesday, October 13, 2009.

Page S10328

A unanimous-consent-time agreement was reached providing that Senate resume consideration of the bill at approximately 3 p.m., on Tuesday, October 13, 2009, with the hour prior to the vote on the motion to invoke cloture on the committee-reported amendment in the nature of a substitute, be for debate with the time equally divided and controlled between Senators Mikulski and Shelby, or their designees; provided further, that the filing deadline for first-degree amendments be 3 p.m. on Tuesday, October 13, 2009.

Page S10328

Conference Reports:

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act Conference Report: By 76 yeas to 22 nays (Vote No. 318), Senate agreed to the conference report to accompany H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010.

Pages S10280–84

Energy and Water Development and Related Agencies Appropriations Act Conference Report—Cloture: Senate began consideration of the conference report to accompany H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010.

Page S10328

A motion was entered to close further debate on the conference report, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Tuesday, October 13, 2009.

Page S10328

A unanimous-consent agreement was reached providing that the cloture vote on the conference report occur upon disposition of H.R. 2847, provided that if cloture is not invoked on the substitute amendment to H.R. 2847, then a motion to reconsider the vote by which cloture was not invoked on the substitute be considered entered; that the cloture vote on the bill be delayed to occur upon reconsideration, and that upon reconsideration and cloture is not invoked on the substitute, then the cloture motion on the bill be withdrawn; provided further, that if cloture has not been invoked as specified above, then the vote on the motion to invoke cloture on the conference report to accompany H.R. 3183, occur one hour after the Senate convenes on Wednesday, October 14, 2009.

Page S10328

Appointments:

United States-China Interparliamentary Group: The Chair, on behalf of the President pro tempore, pursuant to 22 U.S.C. 276n, as amended, appointed the following Senator as Chairman of the United States-China Interparliamentary Group conference during the 111th Congress: Senator Murray.

Page S10327

President's Export Council: The Chair, pursuant to Executive Order 12131, renewed by Executive Order 13446, reappointed and appointed the following Members to the President's Export Council:

Reappointment:

Senator Cornyn.

Appointment:

Senators Crapo and Enzi.

Page S10327

Senators Kennedy and Martinez Tributes—Agreement: A unanimous-consent agreement was reached providing that the deadline for the tributes to Senators Kennedy and Martinez to be submitted to the Congressional Record be extended until Wednesday, October 14, 2009.

Page S10327

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a message relative to the World Trade Organization waiver required by The Clean Diamond Trade Act; which was referred to the Committee on Finance. (PM-32) **Page S10316**

Nominations Confirmed: Senate confirmed the following nominations:

Bartholomew Chilton, of Maryland, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2013. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Edward M. Avalos, of New Mexico, to be Under Secretary of Agriculture for Marketing and Regulatory Programs. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Jill Sommers, of Kansas, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2014. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Kenneth Albert Spearman, of Florida, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for the remainder of the term expiring May 21, 2010. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Kenneth Albert Spearman, of Florida, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for a term expiring May 21, 2016.

Edward M. Avalos, of New Mexico, to be a Member of the Board of Directors of the Commodity Credit Corporation. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Scott D. O'Malia, of Michigan, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2010 vice Walter Lukken, resigned. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Scott D. O'Malia, of Michigan, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2015. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Harris D. Sherman, of Colorado, to be Under Secretary of Agriculture for Natural Resources and Environment. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Harris D. Sherman, of Colorado, to be a Member of the Board of Directors of the Commodity Credit

Corporation. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Army nomination in the rank of general.

Pages S10313, S10326-27, S10329

Nominations Received: Senate received the following nominations:

Neil G. McBride, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2013.

David Huebner, of California, to be Ambassador to New Zealand, and to serve concurrently and without additional compensation as Ambassador to Samoa.

David Daniel Nelson, of Minnesota, to be Ambassador to the Oriental Republic of Uruguay.

2 Army nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Pages S10328-29

Messages from the House:

Pages S10316-17

Measures Referred:

Page S10317

Measures Read the First Time:

Pages S10317, S10327

Executive Communications:

Page S10317

Executive Reports of Committees: **Pages S10317-18**

Additional Cosponsors: **Pages S10318-19**

Statements on Introduced Bills/Resolutions:

Pages S10320-22

Additional Statements:

Pages S10315-16

Amendments Submitted:

Pages S10322-25

Authorities for Committees to Meet:

Pages S10325-26

Record Votes: Three record votes were taken today. (Total—319) **Pages S10271-72, S10284**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 9:18 p.m., until 10 a.m. on Friday, October 9, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S10328.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nomination of Lieutenant General David M. Rodriguez, USA, for reappointment to the grade of lieutenant general and to be Commander, International Security Assistance Force Joint Command.